

Dr. David Mokhtee

5/3/2018

1 (1)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT

3 MARILYN PHILLIPS,

4 Plaintiff,

5 - VS -

Case No.:
17-CV-547-JHP-JFJ

6 FARMERS INSURANCE CO., INC.,

7 Defendant.

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11 DEPOSITION OF DAVID MOKHTEE, MD., taken on
12 behalf of the Plaintiff, before Elise Grayson
13 Cruchon, Certified Shorthand Reporter, at 4802 South
14 109th East Avenue, 2nd floor, Tulsa, Oklahoma, on
15 the 3rd day of May, 2018, at 12:03 pm, pursuant to
16 stipulations of the parties.

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REPORTED BY:
Elise Grayson Cruchon, CSR

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PLAINTIFF'S
EXHIBIT

4

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<p>1 that point.</p> <p>2 Q. All right.</p> <p>3 A. Which would have put you about four months</p> <p>4 after the accident.</p> <p>5 Q. And that recorded statement was dated when; do</p> <p>6 you recall that?</p> <p>7 A. The recorded statement is from December 23rd,</p> <p>8 2015.</p> <p>9 Q. So that's three years after the accident?</p> <p>10 A. Three years after. But -- So that's why I</p> <p>11 went back and referenced the primary source,</p> <p>12 to get a real time frame on that.</p> <p>13 Q. Doctor, I'm going to hand you what has been</p> <p>14 identified in another deposition as</p> <p>15 Defendant's Exhibit No. 3.</p> <p>16 A. Uh-huh.</p> <p>17 Q. And this is a transcript of a recorded</p> <p>18 statement of Ms. Phillips dated September 5th,</p> <p>19 2012.</p> <p>20 MR. LAIZURE: Like I did with</p> <p>21 Dr. Fox's deposition, I'll object to that</p> <p>22 because it's not been properly identified or</p> <p>23 authenticated, and we have no idea whether or</p> <p>24 not it's accurate.</p> <p>25 You may go ahead and ask him about</p>	<p>1 A. I have September 14th, 2012.</p> <p>2 Q. And on that date, what were her complaints?</p> <p>3 A. It says back pain and shoulder pain, but I</p> <p>4 need to specify on the back pain, if they</p> <p>5 really meant neck and upper cervical and</p> <p>6 thoracic spine pain versus low back pain. It</p> <p>7 seemed to me that this would be more cervical,</p> <p>8 thoracic spine pain. Yeah, thoracic spine has</p> <p>9 tenderness, cervical spine is tender,</p> <p>10 shoulders are tender.</p> <p>11 Q. What about hands and wrists?</p> <p>12 A. It just says extremities. It doesn't say</p> <p>13 anything about them.</p> <p>14 Q. Is there any indication in this record of any</p> <p>15 bruising or swelling in the hands?</p> <p>16 A. No. It's unclear if they were ever even</p> <p>17 examined, though.</p> <p>18 Q. But you would agreed that there's no</p> <p>19 indication of bruising or swelling in the</p> <p>20 hands in this record?</p> <p>21 A. Correct.</p> <p>22 Q. If someone has their hands on a steering wheel</p> <p>23 and the impact is severe enough to cause</p> <p>24 trauma to the hands, that could very well</p> <p>25 result in bruising of the hands?</p>
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<p>1 it, Bob. You may answer too, Doctor.</p> <p>2 Q. (BY MR. TAYLOR) Doctor, this would be a</p> <p>3 recorded interview of Ms. Phillips about a</p> <p>4 week or so after the accident; would you agree</p> <p>5 with that?</p> <p>6 A. 9/5, the accident was so, yeah. Yes.</p> <p>7 Q. And on the second page of that, right at the</p> <p>8 top she's asked the question, What type of</p> <p>9 injuries did you sustain? What was the answer</p> <p>10 given?</p> <p>11 A. My arms and my neck and my head and just I</p> <p>12 felt very, very bad.</p> <p>13 Q. Okay. Did she say anything there about any</p> <p>14 trauma to her hands or any pain or symptoms of</p> <p>15 the hands or wrists?</p> <p>16 A. No.</p> <p>17 Q. So then it's your understanding that she had</p> <p>18 follow-up care -- or the next care was at the</p> <p>19 Warren Clinic; is that correct?</p> <p>20 A. I believe so, after Med Center.</p> <p>21 Q. And you've had an opportunity to review those</p> <p>22 records?</p> <p>23 A. Yes.</p> <p>24 Q. And what was the first encounter at the Warren</p> <p>25 Clinic, the date of it?</p>	<p>1 A. It could, not necessarily.</p> <p>2 Q. Okay. As people get older, people into their</p> <p>3 60s, are traumas to tissue more likely to</p> <p>4 result in bruising than someone who's much</p> <p>5 younger than that?</p> <p>6 A. It depends on what medications they're on --</p> <p>7 they are on. I think it's probably more</p> <p>8 related to that than anything.</p> <p>9 Q. What about high blood pressure?</p> <p>10 A. It depends on what high blood pressure</p> <p>11 medication it is. Usually when we think of</p> <p>12 bruising, we're thinking of things like</p> <p>13 aspirin or blood thinners, anti-platelet</p> <p>14 medications used for heart disease,</p> <p>15 perivascular disease.</p> <p>16 Q. Well, what I'm really curious about is if</p> <p>17 there's enough trauma to hands to result in</p> <p>18 carpal tunnel syndrome, how common would it be</p> <p>19 to expect there to be some swelling or</p> <p>20 bruising of the hands after the trauma?</p> <p>21 A. She may not have that much swelling. It may</p> <p>22 be swelling along the flexor tendon. She's --</p> <p>23 from forceful gripping. She may not have any</p> <p>24 visible bruising. She may have a little</p> <p>25 bit of bleeding into the soft tissue that you</p>

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